IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

COMPANY PETITION NO. 638 OF 2005

Akasha Syncotex Ltd. ..Petitioners.

Vs.

Kiran Knit Industries
Pvt. Ltd. ..Respondents.

Mr.V.P. Vaze for the Petitioners.

Mr.Anmol V. Doijode for the Respondents.

CORAM : S.J. VAZIFDAR, J.
DATED : 23RD FEBRUARY, 2006

P.C. :

According to the Petitioners, the Respondent Company is indebted to it in the sum of Rs.1,52,466/-. The claim is on the basis of the amount allegedly due on a running account. The Petitioners have annexed certain invoices which are however not relevant as the claim is only at the foot of the account.

2. Admittedly, there have been disputes regarding the account prior even to the statutory notice. Debit notes were raised regarding the alleged defective quality and workmanship. It is not possible to decide these issues in a summary matter.

3. The fact that disputes were raised was admitted by the Petitioners in the petition itself. The fact that the debit notes were issued prior to 30.4.2004 is also admitted.

4. In the circumstances, there is a bona-fide dispute in respect of the Petitioner’s claim. The petition is therefore dismissed.